IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.21315 of 1999

Between:

Dr. V. Varalakshmamma W/o Hari Prasada Rao,
Osmania Medical College, Koti, Hyderabad.

..... PETITIONER

AND

1 The Govt. of A.P. Rep. by Principal Secretary,
Home Department, Secretariat Buildings, Hyderabad.
2 The Superintendent of Police, Prakasam District, Ongole.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more in the nature of Mandamus declaring the action of the 1st respondent in not according sanction under Sec.197 of Cr.P.C. to the petitioner for prosecution against the 2nd respondent under the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989 by disposing the representation of the petitioner dt.9-2-1998 as illegal, arbitrary and contrary to Sec.197 of Cr.P.C. and consequentially to direct the 1st respondent to consider and dispose off the representation of the petitioner dt:9-2-1998 for prosecution of the 2nd respondent under S.C. & S.T. (P.A.) Act.

Counsel for the Petitioner: MR.K.ANANDA RAO

Counsel for the Respondents: GP FOR HOME

The Court made the following:

ORDER:

The petitioner is working as tutor in Pathology department in Osmania Medical College. She belongs to scheduled caste community. When one Police Constable Mr.Narayana Reddy (P.C.951) insulted her, she gave a complaint, which was registered as Crime No.3 of 1998 under Sections 509 and 323 of Indian Penal Code, 1860 (IPC). She alleges that the offence ought to have been registered under Section 3(1) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (the Act, for brevity). She represented the second respondent about this but the second respondent allegedly refused to register the crime under the said Act. Therefore, she approached the first respondent on 09.2.1998 seeking permission to prosecute the crime by the second respondent under the provisions of the Act, in vain. Hence the writ petition seeking direction to the first respondent for prosecution of the crime by the second respondent under the Act.

This Court while admitting the writ petition, passed interim orders on 31.12.1999 in W.P.M.P.No.26735 of 1999 directing the first respondent to consider the representation made by the petitioner on 09.12.1998 within a period of four weeks. It is now brought to the notice of this Court by learned Government Pleader for Home that the Government considered the representation of the petitioner and refused to accord sanction for prosecuting the crime by the Superintendent of Police. If the petitioner is aggrieved, she may question the rejection order and in this writ petition no further direction can be granted.

The writ petition, with the above observations, is dismissed.

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(**V.V.S.RAO,J**)

July 14, 2005.

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To

1 The Principal Secretary, Government of Andhra Pradesh,
Home Department, Secretariat Buildings, Hyderabad.
2 The Superintendent of Police, Prakasam District, Ongole.

3 Two CCs to the Government Pleader for Home,

High Court Buildings, Hyderabad. (OUT)

4 Two C.D. Copies.